

25. The apparatus of claim 19, wherein the droplets include:  
Zinc(Zn) nano-particles in the liquid.
26. The apparatus of claim 19, wherein the droplets include:  
Gold(Au) nano-particles in the liquid.
27. The apparatus of claim 19, wherein the droplets include:  
Aluminum(Al) nano-particles in the liquid.
28. The apparatus of claim 19, wherein the droplets include:  
Bismuth(Bi) nano-particles in the liquid.--.

Remarks

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1 and added new claims 19-21. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

Claim 10 was rejected under sec. 112, second paragraph for not having antecedent bases for "room temperature" in claim 1, which has now been accordingly amended. Thus, removal of this rejection is respectfully requested.

Claims 1-18 were rejected under sec. 103 as being unpatentable over Foster et al. '913. The rejection states that although Foster et al. "do not explicitly disclose a method wherein the droplets are micron-sized and contain nano-particles...", such claimed features would be obvious. The rejection further suggests that the "micron sized pellets" referenced on column 10, would be equivalent to the "micron-size droplets" of subject claim 1. The rejection further glosses over the fact that Foster '913 although not having "substantially identical diameter to each individual droplet" would also be obvious. Applicant respectfully disagrees.

Claim 1 has now been amended to more clearly clarify the "micron-size droplets" referenced in claim 1. Claim 1 now reads "micron-size droplets having individual droplet diameters of approximately 10 micrometers to approximately 100 micrometers, each containing

nano-size particles, each nano-size particle ranging in size from approximately 5nm to approximately 100nm..." These features are described in the subject invention on page 6, lines 22-24, and page 14, lines 5-9. There is no description, teaching, nor suggestion in Foster et al. for these novel claimed features.

The mere fact that someone in the art can rearrange parts of a reference to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

There is no teaching, nor suggestion for modifying Foster et al. to include all the novel features of amended claim 1. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

Claims 2-18 were rejected further over Foster et al. Applicants disagree with the statements that one "would have been motivated to make such a modification so that the target sources are configured to generate emissions of desired spectral wavelengths...."

It is clearly improper to arbitrarily ignore any of the novel features of the claims. Under the rules of the MPEP, if the applicant requests the examiner cite the reference(s) showing each and every one of the references that supports a rejection, the examiner must cite the reference or remove the rejection. Under MPEP 706.02 and 37 C.F.R. 1.107(b), applicant requests the examiner specifically point out which uncited reference(s) describes and teaches these unsubstantiated opinions and assertions raised in the rejection that the entire invention of claims 1-18 and now claims 1-28 would be obvious under sec. 103. Under the MPEP and CFR sections cited above, the examiner must cite the reference(s) that shows these unsubstantiated opinions and assertions mentioned in their rejection, or remove the 103 rejection for at least these reasons alone.

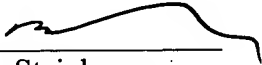
Applicant contends the references cannot be modified to incorporate the features of subject claims 1-28 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to

produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

If necessary, the applicant may be willing to provide an affidavit detailing further differences over the Foster et al. reference and why Foster et al. is not applicable here.

In view of the foregoing considerations, it is respectfully urged that claims 1-28 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;

  
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